

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ERIN MOORE

PLAINTIFF

V.

CIVIL ACTION NO. 3:20-cv-464-CWR-LRA

CLARKE COUNTY, MS; SHERIFF TODD KEMP, individually
and in his official capacity as a duly commissioned Sheriff
for Clarke County, MS; CHIEF DEPUTY,
BARRY WHITE, individually and in his official capacity as
a duly commissioned Deputy for Clarke County, MS;
DEPUTY BEN IVEY, individually and in his official
capacity as a duly commissioned Deputy for Clarke, County, MS,
and JOHN DOES 1-4

DEFENDANTS

**CLARKE COUNTY, MISSISSIPPI, SHERIFF TODD KEMP, AND
CHIEF DEPUTY BARRY WHITE'S MOTION TO TRANSFER VENUE**

Come now, Clarke County, Mississippi, Sheriff Todd Kemp ("official capacity"), and Chief Deputy Barry White ("official capacity"), by and through counsel, and submit their Motion to Transfer Venue to the Eastern Division of the United States District Court for the Southern District of Mississippi as follows:

1. On July 14, 2020, Plaintiff filed the above captioned matter in the United States District Court for the Southern District of Mississippi. In her Complaint, Plaintiff alleges numerous civil rights violations pursuant to 42 U.S.C. § 1983. CM/ECF Doc. No. 1 ("Compl.") ¶¶14-16.

2. While Plaintiff alleges that the acts and/or omissions giving rise to her Complaint "arose and occurred in Lauderdale County, Mississippi and/or Clarke

County, Mississippi," Plaintiff never alleges which actions, if any, took place in Lauderdale County, Mississippi. *Id.* ¶7.

3. Plaintiff does, however, specifically allege that actions giving rise to her Complaints against movants occurred in **Clarke County, Mississippi**. *Id.* ¶10 (emphasis added). More specifically, Plaintiff alleges that co-Defendant Ben Ivey coerced Plaintiff into "performing sex acts at two (2) locations in **Clarke County**." *Id.* (emphasis added).

4. All defendants in this matter, including movants, are affiliated with the political subdivision Clarke County, Mississippi, which is located in the Eastern Division of the Southern District of Mississippi. *Id.* ¶2-6. Sheriff Kemp is the duly elected Sheriff of Clarke County and Chief Deputy White is an employee of the Clarke County Sheriff's Department. Both Sheriff Kemp and Chief Deputy White reside in Clarke County, Mississippi.

3. Plaintiff, upon information presented in her Complaint, is an adult resident of Lauderdale County, Mississippi, which is located in the Northern Division of the Southern District of Mississippi. *Id.* ¶1.

4. Under 28 U.S.C. § 1391, venue is proper in a judicial district where any defendant resides if all defendants are residents of the state or where a substantial part of the events or omissions giving rise to the claim took place. Here, one moving defendant is a political subdivision, Clarke County, and both Sheriff Kemp and Chief Deputy White reside in said County. Furthermore specific events alleged by Plaintiff transpired in Clarke County, which is located in the Eastern Division of the Southern District of Mississippi. Thus, this Honorable Court should transfer this cause of action

to the Eastern Division as it is the appropriate judicial division for above captioned matter. *See* 28 U.S.C. § 1391, generally.

5. Furthermore, 28 U.S.C. § 1404(a) provides that a transfer of venue is warranted “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented.” This, Honorable Court should transfer this cause of action to the Eastern Division where movants are located and where Plaintiff alleges the incidents which give rise to the cause of action took place.

6. Counsel for the defendant emailed Plaintiff’s counsel on Tuesday, November 3, 2020, but has not heard whether they oppose the instant Motion.

7. Due to the simple and self-explanatory nature of this Motion, as well as the supporting authority cited hereinabove, moving defendants request that they be relieved of any further obligation to submit a supporting memorandum of authorities.

WHEREFORE, PREMISES CONSIDERED, for all of the reasons asserted and authorities cited hereinabove, moving defendants have shown good cause for the Court to transfer the instant cause of action from the Northern Division to the Eastern Division. Defendant prays that this Honorable Court grant moving defendants’ Motion to Transfer Venue.

DATE: November 10, 2020.

Respectfully submitted,

**CLARKE COUNTY,
MISSISSIPPI, SHERIFF TODD
KEMP, AND CHIEF DEPUTY
BARRY WHITE**

By: /s/Lance W. Martin
One of Their Attorneys

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CERTIFICATE

I, the undersigned of Allen, Allen, Breeland & Allen, PLLC, hereby certify that on this day, I electronically filed the foregoing Motion to Transfer Venue with the Clerk of the Court via the ECF system which gave notification of the same to the following:

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This the 10th day of November, 2020.

/s/Lance W. Martin
OF COUNSEL